

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

OCT 14 2004

MEMORANDUM

SUBJECT: State Implementation Plan (SIP) Submittals for Early Action Compact Areas (EACs)

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

FROM: G.T. Helms, Group Leader
Ozone Policy and Strategies Group

G.T. Helms

TO: Air Directors, Regions III, IV, VI and VIII

Based on conversations and meetings between the Office of Air Quality Planning and Standards (OAQPS), Regional Offices, and environmental groups, the Environmental Protection Agency (EPA) is concerned that many of the measures that were submitted by March 31, 2004 are not clearly and fully described in sufficient detail to convince the Agency that the SIP submittal will be approvable. In addition, we are concerned that the information we have received so far does not clearly document that all measures will be adopted and implemented. In some cases, there does not appear to be a strong commitment by the local area and/or the State to adopt and implement the measures that will result in meaningful reductions of nitrogen oxides (NO_x) and/or volatile organic compound (VOC) emissions.

We understand that this memorandum is coming at a time when some, perhaps many States and local areas are finalizing their SIPs for submittal. The purpose of this memorandum is to assist States in preparing their EAC SIPs for submittal to EPA by December 31, 2004. Our goal is to approve each SIP submittal, but based on the March 31 submittals, we are concerned that the information may not clearly document that all measures will be adopted and implemented. We would like to see SIP language that indicates a strong commitment by the local area and/or the State to adopt and implement these measures.

This memorandum provides clarification beyond the general and specific guidance, previously issued for SIPs and EAC areas.¹⁻³ Below are some additional guidelines that clarify what States should include in these SIPs.

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- 1 Memorandum from Jeffrey R. Holmstead, Assistant Administrator, EPA, "Schedule for 8-Hour Ozone Designations and its Effect on Early Action Compacts", November 14, 2002.
 - 2 Memorandum from Lydia N. Wegman, Director, Air Quality Strategies and Standards Division, Office of Air Quality Planning and Standards, EPA, "Early Action Compacts (EACs): The June 16, 2003 Submission and Other Clarifications", April 4, 2003.
 - 3 "Protocol for Early Action Compacts Designed to Achieve and Maintain the 8-hour Ozone Standard", Texas Commission on Environmental Quality (Protocol), March 2002. The EPA endorsed the Protocol in a letter dated June 19, 2002, from Gregg Cooke, Administrator, EPA Region VI, to Robert Huston, TCEQ. The Protocol was revised December 11, 2002, based on comments from EPA.

1. Clearly identify and describe the measures (local and State) that the State and/or local area is committing to implement and submit as a federally-enforceable SIP revision.
2. Clearly identify and describe the measures that the local area or State are committing to implement as voluntary, non-regulatory and not intended to be federally enforceable. These measures should be included in the SIP narrative and should describe the extent to which the voluntary measures will be verified/monitored by the State, or the extent to which the area will be held accountable for implementing the measures no later than December 31, 2005.
3. In describing any measure, avoid the use of vague language, such as “encourage the adoption of...”; “support the implementation of ...”; “considering the adoption of...” These descriptions do not constitute adoption of measures.
4. Clear language and documentation that measures have been or will be implemented by the 2005 ozone season, or no later than December 31, 2005. For each measure, the submittal should include the date the measure was adopted by the State or local area, and a schedule for implementation.
5. In accordance with the November 14, 2002 memorandum from Jeffrey Holmstead, EPA, the SIP submittal shall include measures that are specific, quantified, and permanent.
6. For those measures (voluntary and regulatory) that are quantifiable, SIPs should identify and describe the quantification method, calculation procedure, and/or quantification protocol used to calculate emissions reductions. Specific references to EPA guidance should be provided if that guidance is the basis for the quantification method. If a non-EPA protocol or quantification method is used, that method should be clearly identified.
7. Where measures are not quantifiable or not easily quantifiable, these measures should be identified. The SIP submittals should document that these measures are directionally sound and describe the benefits these measures will have. For example, an EAC area may decide to adopt an ordinance requiring bike paths, but the emissions reduction benefit for this measure is not easily quantifiable. In this example, the local area/ State should clearly describe the benefits to the community (e.g., reductions in VMT; promotes healthy lifestyle and quality of life).
8. Each area should incorporate additional information based on comments on the March submittals regarding modeling protocol, the technical support document describing the modeling and interpretation of the modeling results. Please also provide any additional analyses and the rationale for how these demonstrate attainment.

Questions on this memorandum should be directed to David Cole of my staff at 919/541-5565.